

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS A. HAINES,

Plaintiff,

v.

COUNTY OF SACRAMENTO, *et al.*,

Defendants.

Case No. 2:20-cv-1011-TLN-JDP-P

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
STATE A CLAIM, AND FAILURE TO
COMPLY WITH A COURT ORDER

THIRTY-DAY DEADLINE

Plaintiff Marcus Haines is a pretrial detainee proceeding without counsel in this action. Plaintiff's complaint was dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915A(a) on September 17, 2020, and plaintiff was granted thirty days to file an amended complaint. *See* ECF No. 7. Plaintiff has not yet done so.

To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. When a plaintiff fails to comply with court-imposed deadlines, the court may dismiss the plaintiff's case for failure to prosecute. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances."). Involuntary dismissal is a harsh penalty, but the court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

1 Plaintiff will be given an opportunity to explain why the court should not dismiss his
2 case for failure to prosecute and failure to state a claim. Plaintiff's failure to respond to this
3 order will constitute another failure to comply with a court order and will result in dismissal of
4 this case. Accordingly, plaintiff must show cause within thirty days of the date of entry of this
5 order why the court should not dismiss his case for failure to state a claim and failure to
6 prosecute. Should plaintiff wish to continue with this lawsuit, plaintiff should also file a first
7 amended complaint.

8 So ordered.

9 Dated: November 4, 2020


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE